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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,920	10/13/2004	Joseph R. Brown	81044222	5919

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Dickinson Wright PLLC
38525 Woodward Avenue
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Bloomfield Hills, MI 48304

EXAMINER

SLITERIS, JOSELYNN Y

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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07/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/711,920	Applicant(s) BROWN ET AL.	
	Examiner Joselynn Y. Sliteris	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-15 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I disclosed in Figures 1 and 2 and paragraphs 17-22, 25-32, 34-40, 42-46, and 48-50 in the reply filed on 4/13/07 is acknowledged.
2. Applicant indicates that claims 1-20 correspond to the elected species; however, examiner disagrees. It is the examiner's position that claims 9 and 16-19 are directed to the nonelected species as disclosed in paragraphs 23, 33, 41, and 47. Therefore, claims 9 and 16-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/13/07.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 16. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Art Unit: 3616

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 24' (Para 18 line 6); 18. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because it is replete with informalities. Here are a few examples: "controller 18" should be --controller 16-- in (Para 17) line 6, (Para 18) line 6, etc, etc.

Appropriate correction is required, and applicant is advised to thoroughly review the application and correct any other errors of which applicant becomes aware in the specification.

Claim Objections

6. Claim 20 is objected to because of the following informality: claim 20 is a duplicate of claim 15 and as such should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. In claim 1 lines 5-6, "a variable-output airbag system for fully deploying an airbag substantially proximate to when said seatbelt restraint receives a maximum seatbelt load" is unclear. Therefore, claim 1 is rendered indefinite. However, examiner suggests changing it to --a variable-output proximate to the occupant ...--.

10. In claim 1 line 11, "said seatbelt" lacks proper antecedent basis in the claim. Examiner suggests changing it to --said seatbelt restraint--.

11. In claim 12 lines 6-7, "said seatbelt tension load" and "said second seatbelt tension load" lacks proper antecedent basis in the claim. Examiner suggest changing them to --said seatbelt load" and "said second seatbelt load--.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-4, 10, 11, 15, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stanley (U.S. Patent 6,260,879), as cited by applicant.

14. Regarding claims 1-4, Stanley discloses a safety restraint system as in the present invention, comprising:

a seatbelt restraint system including a seatbelt restraint 34 and a seatbelt tension sensor 52;

a variable-output airbag system 20 for fully deploying an airbag 22 substantially proximate to when said seatbelt restraint receives a maximum seatbelt load; and

a controller 70 coupled to said seatbelt restraint system and said variable-output airbag system, said controller for actuating said variable-output airbag system to deploy said airbag at an output rate during a crash event, said controller for throttling said output rate based on a current seatbelt load rate in said seatbelt during a crash event;

further comprising: at least one weight sensor 40; wherein said controller determines said output rate for said airbag based on said weight;

wherein said controller determines said output rate based on the weight of said occupant;

Art Unit: 3616

wherein said controller determines at least one of a maximum threshold and a minimum threshold for said seatbelt-tension rate based on the weight of said occupant.

15. Regarding claims 10, 11, 15, and 20, Stanley discloses a method for utilizing a seatbelt restraint system 34 and a variable-output airbag system 20 in combination for protecting an occupant of a vehicle 30 as in the present invention comprising:

determining an output rate 78 of the variable-output airbag system for deploying an airbag 22;

detecting a crash event; and

determining a current seatbelt-tension rate 50 in a seatbelt restraint 34 during said crash event; and

throttling said output rate during said crash event based on said current seatbelt-tension rate;

wherein the occupant contacts said airbag when said seatbelt load reaches a maximum load;

wherein determining an output rate of the variable-output airbag system comprises: measuring the weight of the occupant 40; and determining said output rate based on said weight;

further comprising: determining whether said airbag has been fully deployed.

Allowable Subject Matter

16. Claims 5-8 and 12-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 571-272-6675. The examiner can normally be reached on Monday, Wednesday & Thursday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/711,920


Page 8

Art Unit: 3616

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joselynn Y. Sliteris
Patent Examiner
Art Unit 3616
6/25/07

JYS
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